

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 66

IRAQ PUBLIC SERVICE BROADCASTING

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003);

Recalling that U.N. Resolution 1483 (2003) called upon the CPA to promote the welfare of the people of Iraq through the effective administration of the territory and to contribute to conditions of stability and security;

Underscoring the significance of the media in building a democratic society and the need to encourage a professional, impartial and independent broadcasting sector;

Emphasizing that open and rigorous debate is essential to the development of the democratic process in Iraq, and the vital role of public service broadcasting in facilitating such debate;

Recognizing the right of freedom of expression, including freedom of the press and the right to hold opinions without interference as articulated in the International Covenant of Civil and Political Rights to which Iraq is a party, and as guaranteed in the Transitional Administrative Law approved unanimously and without reservation by the Iraq Governing Council;

Further recognizing the corresponding duty of governments not to interfere with the independence of the media, and emphasizing that independence in this context means freedom from control, undue influence, interference, or pressure from political or other external forces;

Noting that CPA Order Number 65 regarding the establishment of the Iraq Communications and Media Commission grants authority thereto to regulate broadcasting;

Desiring to create an impartial and independent tool for public debate, which acts as an agent of pluralism and diversity, and as an instrument for building a constructive national identity accessible to the entire population of Iraq;

Further noting the unique capabilities of public service broadcasting to serve, on a non-discriminatory basis, the viewing needs of a diverse public, including underrepresented national minorities and other niche segments of society;

I hereby promulgate the following:

Section 1 Purpose

This Order is designed to:

- 1) Establish an institutional framework that will educate, entertain and inform the people of Iraq, but will not be a tool of political or other inappropriate outside interests;

- 2) Create an open forum that respects and promotes human rights and freedoms, notably the right to freedom of expression, in which views can be debated and where information, opinions and criticism circulate without interference;
- 3) Create a platform to reflect and foster the varied values of Iraqi society, which facilitates access by the public to information vital to participating in a rapidly globalizing world and which contributes to an unbiased representation of Iraq society to the world;
- 4) Create a forum within which minority languages and culture are allowed to develop in a non-divisive manner and in a way that contributes to reconciliation, tolerance and unity;
- 5) Create an organization mandated to encourage and promote innovation and experimentation in broadcasting; and
- 6) Foster indigenous creative capacity through the development, commissioning and/or purchase of domestic productions.
- 7) Incorporate the Iraqi Media Network, including its newspaper and publishing activities, as the Iraq Public Service Broadcaster.

Section 2 Definitions

- 1) “Broadcasting” means any point-to-multipoint transmission or emission of signals, text, images, audio or video content or data by wire, optical fiber, radio, or any other electromagnetic means intended for reception by all or a portion of the public.
- 2) “Charter” means the document that serves as the moral contract between the public broadcaster and the people of Iraq and lays out what is expected of the public broadcaster in return for the public funds used to finance its operations.
- 3) “Distinctiveness” describes the sustained effort by the public service broadcaster to distinguish itself in programming and aspiration from other broadcasting services including state and commercial broadcasting.
- 4) “Diversity” describes a sustained effort to meet the multiple needs and interests of society through different genres and by responding to the otherwise unmet needs of a variety of segments within the viewing public.
- 5) “Independence” means the ability to operate financially, editorially and managerially free from influence or control by the government, or by inappropriate external interests.
- 6) “Public Service Broadcasting” means broadcasting pursuant to a legal obligation to entertain, educate and inform all segments of Iraq society on a wide variety of issues, developments, events and phenomena in the country and abroad. Other obligations include, but are not limited to, ensuring open and free discussion of issues of public interest, fostering civil society, encouraging indigenous creative capacity and representing the needs of the general public.

7) "Universality" means ensuring that as much of the population of the country as possible should have access to public broadcasting services.

Section 3 Establishment

- 1) This Order hereby establishes the Iraqi Media Network ("IMN") as the public service broadcaster for Iraq, which shall broadcast across the territory of Iraq. The public service broadcaster shall be an independent institution charged with disseminating information in accordance with this Order and with the terms and conditions of its operating license. It shall have the status of a legal person with all rights attendant thereto.
- 2) The public service broadcaster shall act in accordance with the principles of independence, universality, diversity and distinctiveness. The public service broadcaster shall reflect the democratic, social and cultural values of Iraqi society and at all times shall strive to reflect fairly and equitably the regional, cultural and political diversity of Iraq and its people.
- 3) The public service broadcaster shall be licensed by the Iraq Communications and Media Commission in accordance with this Order and other applicable law and shall be subject to the Commission's regulatory authority.

Section 4 Organization

The public service broadcaster shall have a Board of Governors; a Financial Committee; a Director General; and such advisory boards and other committees as the Board of Governors deems necessary. The Director General may establish any departments or other internal units or subdivisions he or she deems necessary, and staff those departments in a manner that will most efficiently fulfill the public service broadcaster's mandate. Following consultation with the Iraqi Governing Council ("IGC") and the Ministry of Communications, and as soon as practicable, the Administrator shall appoint the initial Chair, two Governors, the three members of the Financial Committee, at least one of whom shall be a representative of a donor nation(s), who collectively, shall immediately begin operating the public service broadcaster. The Administrator shall appoint the remaining Governors and the Director General by 30 May 2004, following the same consultative process. The Board of Governors shall appoint successor Directors General. The Chair and members shall have a term of office of four (4) years and may be reappointed only once. Vacancies shall be filled by the Administrator and, after the transfer of full governance authority to the Iraqi Interim Government, the Prime Minister, subject to approval by a two-thirds vote of the body vested with national legislative authority.

- 1) Board of Governors.
 - a) The Board of Governors shall have nine (9) members, including a Chair. Eight (8) of the members shall be Iraqi citizens, and the remaining member shall be a non-Iraqi with international experience in broadcasting.

- b) The Board of Governors shall serve as the guardian of the public interest and as such, shall ensure that the obligations of the public service broadcaster operating license are met; comply with provisions of the public service broadcaster Charter; represent the public with regard to programming, serve as a buffer between the public service broadcaster and the government and other external pressures and oversee and receive reports from the Director General, as required.
- c) The Board of Governors shall be the sole body authorized to dismiss the Director General, pursuant to the conditions set forth in Section 5(2), below.
- d) Within thirty (30) days following commencement of public service broadcaster's operations, the Board of Governors shall commence work on a comprehensive Charter for public service broadcaster that shall convey to the people of Iraq what is expected of the public service broadcaster in return for the public funds used to finance its operations. A thirty (30) day period of public notice and consultation shall be provided prior to the adoption of the Charter by the Board of Governors. The Board of Governors shall adopt a Code of Ethics for their operations and other internal rules, as appropriate.
- e) Additionally, the Board of Governors shall, by the deadline specified in subsection (d), above, begin consultations with the Iraqi Communications & Media Commission, or appropriate legislative committees, to draft a law that comprehensively addresses public service broadcasting in Iraq and fully respects the principles set forth in Section 3(2) of this Order.
- f) The Board shall meet at least once a month and all decisions of the Board of Governors shall be made by majority vote, provided that at least six (6) of the members are present and vote. The Chair shall cast the deciding vote in case of tie vote by the Board members on any matter before the Board.
- g) The Board of Governors shall produce and publish an annual report of its activities and expenditures, and shall provide to the legislature an annual financial audit prepared in accordance with international standards.
- h) Except as provided elsewhere in this Order, members of the Board of Governors should be drawn from Iraqi civil society and shall represent a cross-section of the viewing public. Governors shall be individuals of impeccable character and reputation.
- i) Members of the Board of Governors may neither hold any executive, legislative or judicial position, whether appointed or elected, at any level of government, nor be an appointed, elected or voluntary official of any political party while serving on the Board.

2) Financial Committee.

- a) The Financial Committee shall have three (3) members, all of whom shall be experts in finance or business administration.

- b) The Financial Committee shall act as a supervisory body to ensure that public funds and donated funds and/or equipment are utilized efficiently and transparently. The Financial Committee shall examine expenditures and prepare reports and/or issue recommendations on financial matters for the Board of Governors. In preparing these reports, the Financial Committee may compel the Director General to submit relevant information and respond to questions regarding such information.
- c) The Financial Committee shall examine and authorize the budget submitted to it by the Director General and shall authorize expenditures in excess of 150,000,000 Iraqi Dinars. The Financial Committee may raise this amount at their discretion.
- d) The Financial Committee shall meet at least monthly and when requested by the Director General to authorize expenditures above 150,000,000 Iraqi Dinars. Decisions shall be made by majority vote.
- e) The Financial Committee shall not have any authority with regard to programming or editing nor shall it have executive authority over any employee of the public service broadcaster.
- f) The Financial Committee shall, within thirty (30) days of their appointment:
 - i. Inventory all technical assets of IMN, including transmitter sites, perform a valuation of said assets and create a standard operating procedure for monitoring control thereof;
 - ii. Review for submission to the Board of Governors all potential funding sources for the public service broadcaster, with the goal of eliminating/reducing the risk of political interference;
 - iii. Create a 5-year Financial Plan for the public service broadcaster based upon the review conducted under subsection (f)(ii), above, and recommend the amount of a one-time start-up payment from the Iraq government, if any.
- g) Members of the Financial Committee may neither hold any executive, legislative or judicial position, whether appointed or elected, at any level of government, nor be an appointed, elected or voluntary official of any political party, while serving on the Committee.

3) Director General.

- a) The Director General shall be the public service broadcaster's chief executive officer, responsible for all functions of the public service broadcaster, including the preparation and submission of the public service broadcaster's budget. The Director General shall also be public service broadcaster's editor-in-chief and shall have final authority over all programming matters.
- b) The Director General should have senior-level experience in broadcasting, journalism, business management, finance and/or broadcast engineering.
- c) The Director General shall report to the Board of Governors. The specific duties and responsibilities of the Director General shall be set forth in the Charter.

- d) The Director General shall represent the public service broadcaster in all legal matters.
- e) The Director General shall appoint a Deputy for a term of service not exceeding the length of the Director General's mandate.
- f) The Director General shall serve a term of office of four (4) years and may be reappointed only once. The Director General may not hold any executive, legislative or judicial position, whether appointed or elected, at any level of government, nor be an appointed, elected or voluntary official of any political party while serving on the Board.

4) Conflicts of Interest.

- a) The Director General, members of the Board of Governors and members of the Financial Committee, with the exception of the international member(s), whose task is to represent donor nation(s) and safeguard their interests, are prohibited from working on any matter that will affect:
 - (i) His or her personal financial interests;
 - (ii) The financial interests of his or her spouse or child;
 - (iii) The financial interests of his or her business partner;
 - (iv) The financial interest of any organization in which he or she serves as an officer, director, general partner, employee, or trustee; or
 - (v) The financial interest of any entity with whom he or she has an arrangement for employment or is negotiating for employment. In such situations, he or she may either divest the interest causing the conflict or recuse him or herself from any involvement in the matter.
- b) The Director General shall apply this subsection to the public service broadcaster staff, as appropriate.

Section 5 Termination Authority

- 1) Until such time as full governance authority is transferred to the Iraqi Interim Government, the Administrator shall have sole authority to terminate the appointment of any of the members of the Board of Governors before completion of their terms. After such transfer of governance authority, members of the Board of Governors may be dismissed only upon a two-thirds vote of the body vested with national legislative authority.
- 2) The Board of Governors shall have sole authority to terminate the appointment of the Director General.
- 3) Such terminations of the Director General or members of the Board of Governors may occur only in the limited circumstances defined as follows:

- a) Illness rendering the Director General or any members of the Board of Governors incapable of performing his or her duties;
- b) Conviction of a crime punishable by imprisonment;
- c) A conflict of interest by the Director General, or a member of the Board of Governors, which includes situations where a household member thereof is an owner, shareholder, or member of the supervisory board or other relevant governing body, director, president or other manager of any licensee or associate undertaking of any licensee;
- d) Non-performance of duties for members of the Board of Governors, as reflected by failure to participate in three (3) or more successive meetings; or
- e) Failure of the Director General or member of the Board of Governors to perform his/her duties pursuant to relevant legislation, internal rules, Charter or his/her contract of employment;
- f) Violation of the public service broadcaster's Code of Ethics.

Section 6 Public Accountability

In furtherance of its mandate to serve the public interest and conduct its operations in an efficient and transparent manner, the public service broadcaster shall:

- 1) Publish in advance broad frameworks for its schedules with commitments as appropriate for the individual channels;
- 2) Report, at the end of each year, on its performance against established goals, these reports being subject to independent review;
- 3) Provide details in its annual report of the cost and revenues associated with each of its services, including its commercial operations, if any;
- 4) Keep detailed financial records in a manner that will enable independent auditors, including the Board of Supreme Audit, to evaluate its performance in fulfilling its statutory remit;
- 5) Recognize, encourage and welcome the public's expression of views on its performance, and establish and develop means of enhanced communications with its audience, as well as ensure that all complaints are logged, acknowledged and investigated;
- 6) Adopt a code of fair trading to clarify how its activities will operate in a broadcasting landscape that has competing interests;
- 7) Pledge to deliver to its audience the highest level of programming in return for the public investment; and

8) Provide details of non-Arabic language programming and other non-Arabic language services in its Annual Report.

Section 7 **Editorial and Programming Matters**

- 1) The mandate of the public service broadcaster is to serve the public interest through the provision of diverse and distinct programming in the variety of languages spoken in Iraq, including Arabic, Kurdish, Assyrian and Turkmen, and shall include, among other things, the following:
 - a) Programs that entertain, inform and educate;
 - b) Programs of news and current affairs;
 - c) Coverage of sporting, religious and cultural activities;
 - d) Children's programming;
 - e) Coverage of national government activities, as determined by the responsible editor;
 - f) Indigenous Iraqi production;
 - g) Programming that facilitates and encourages citizen participation in democratic processes, including programming that relates to political campaigns;
 - h) Programming and a programming structure that reflects the diversity of Iraqi society;
 - i) Programming that encourages understanding of issues of gender, age, disability, race, religion, membership in a political group or membership of a minority community in Iraqi society.
- 2) The public service broadcaster shall:
 - a) Inform the public on all political, economic, social, health, cultural, educational, scientific, religious, ecological, sporting and other developments, events and phenomena in the country and abroad, as well as ensure open and free discussion on all issues of public interest;
 - b) Foster, encourage, and develop all forms of domestic audio-visual creativity that contribute to the development of Iraqi culture, art and entertainment, and to the international representation of the Iraqi cultural identity;
 - c) Broadcast programs intended for members of the Iraqi community outside Iraq;
 - d) Inform and educate the citizens in all aspects of the preservation of cultural heritage;
 - e) Inform and educate the citizens in all aspects of the protection of environment, as well as promote the right of all to a healthy environment;
 - f) Foster and encourage the development of civil society and the rule of law.

- 3) The public service broadcaster shall encourage respect for and promote fundamental human rights and freedoms, including freedom of expression, democratic values and institutions, and the culture of public dialogue.
- 4) The public service broadcaster shall respect and encourage public understanding of political and religious pluralism.
- 5) This public service broadcaster shall treat impartially all political, economic, social, health, cultural, educational, scientific, ecological and other issues, and not advocate the positions or interests of any particular political, religious, commercial or other party. In doing so, the public service broadcaster shall ensure the public is aware of different points of view in order to create informed public opinion.

Section 8 **Financing and Compensation**

- 1) The Board of Governors, in conjunction with the Financial Committee, shall analyze various funding methods and create a plan for reliable funding of the public service broadcaster. Possible funding sources shall include, but shall not be limited to:
 - a) Tax on receiver purchase;
 - b) Subscription fee;
 - c) Advertising and sponsorship;
 - d) Revenues from technical services;
 - e) Donations and fund-raising through pledge drives or other means; and
 - f) Direct government grant.
- 2) Notwithstanding CPA Order No. 30, Reform of Salaries and Employment Conditions of State Employees, 8 September 2003, employees of the public service broadcaster shall be compensated at rates prescribed by the Administrator or, following the transfer of full governance authority to the new Iraqi government, the Prime Minister.

Section 9 **Entry into Force**

This Order shall enter into force on the date of signature and shall continue in effect until such time as new Broadcasting, Telecommunications and Media laws are adopted.



3/20/04

L. Paul Bremer III
Administrator